

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI

Robin Nicole Lucas 1227908
(full name) (Register No.)

AKA Robert Elliot Lucas JR

19-6053-CV-SJ-HFS-P

Plaintiff(s).

Case No. _____

v.

Anne Precythe, Director

(Full name)
Missouri Dept of Corrections (MDOC)
et al.

Defendants are sued in their (check one):

☐ Individual Capacity

☐ Official Capacity

☒ Both

Defendant(s).

COMPLAINT UNDER THE CIVIL RIGHTS ACT OF 42 U.S.C. § 1983

I. Place of present confinement of plaintiff(s): Chillicothe Correctional Center, 3151 Litton Rd, Chillicothe, MO 64601

II. Parties to this civil action:

Please give your commitment name and any another name(s) you have used while incarcerated.

A. Plaintiff Robin Nicole Lucas
AKA Robert Elliot Lucas JR Register No. 1227908
Address 3151 Litton Rd
Chillicothe, MO 64601

B. Defendant Anne Precythe, Director

Is employed as DIRECTOR
Missouri Department of Corrections (MDOC)

For additional plaintiffs or defendants, provide above information in same format on a separate page.

II Defendants (cont'd)

- ② Ryan Curtis
Deputy Director, Division of Adult Institutions
MDOC
- 3) Chris McBee
Warden, Chillicothe Correctional Ctr
MDOC
- 4) Scott O'Kelley
Division Director, Mental Health Services
Dept of Offender Rehabilitative Services
MDOC
- 5) Joan Reinkemeyer
Director, Dept of Offender Rehabilitative Services
MDOC
- 6) Corizon Health Inc.
- 7) Jerry Lovelace
Regional Medical Director
Corizon Inc.
- 8) Thomas Bredeman, MD
Associate Regional Medical Director
Corizon Inc.
- 9) Tammie Christopher, RN
Director of Nursing
Corizon, Inc.
- 10) Sterling Ream, RN
Health Services Administrator
Corizon, Inc.

II(b) Defendants (cont'd)

11. Jenny Meehan, RN
Director of Operations
Corizon, Inc
12. Elizabeth Alterberry
Regional Psychiatric Director
Corizon, Inc
13. John Doe I
Clinical Director, Chillicothe Correctional CTR
Corizon, Inc
14. Karen Epperson MD
Corizon Health, Inc
15. Robert Schaaaf, MD
Corizon Health, Inc
16. Dr. Cornelius, MD
Psychiatrist
Corizon Health, Inc
17. Dr. McReavy, PhD
Psychologist
Corizon Health, Inc
18. Alana Bayles
Deputy Director, MDOC

III. Do your claims involve medical treatment? Yes ☒ No ☐

IV. Do you request a jury trial? Yes ☐ No ☒

V. Do you request money damages? *ref* Yes ☒ No ☒

State the amount claimed? \$20,000 / 50,000 (actual/punitive)

VI. Are the wrongs alleged in your complaint continuing to occur? Yes ☒ No ☐

VII. Grievance procedures:

A. Does your institution have an administrative or grievance procedure? Yes ☒ No ☐

B. Have the claims in this case been presented through an administrative or grievance procedure within the institution? Yes ☒ No ☐

C. If a grievance was filed, state the date your claims were presented, how they were presented, and the result of that procedure. (Attach a copy of the final result.)

See attached pg 2B

D. If you have not filed a grievance, state the reasons.

VIII. Previous civil actions:

A. Have you begun other cases in state or federal courts dealing with the same facts involved in this case? Yes ☐ No ☒

B. Have you begun other cases in state or federal courts relating to the conditions of or treatment while incarcerated? Yes ☐ No ☒

C. If your answer is "Yes," to either of the above questions, provide the following information for each case.

(1) Style: _____
(Plaintiff) (Defendant)

(2) Date filed: _____

VII (c) Grievance Procedure (cont'd)

- Exhibit 1.
A
- 8-7-18 Informal Resolution Request (hereinafter "IRR") filed For: Removal of Breast Implants
 - 8-15-18 IRR denied by Tammie Christopher, RN
 - 8-29-18 OFFENDER Grievance Filed
 - 10-11-18 Grievance Denied by Jenny Meehan, RN; Robert Schaaf, MD; and Chris McBee
 - 10-22-18 Grievance Appeal filed
 - 11-7-18 Appeal Denied by J. Cofield and T. Bredenman
- Exhibit 2.
B
- 8-7-18 IRR Filed for ~~FTM~~ FTM Sex Reassignment Surgery
 - 8-15-18 IRR Denied by Tammie Christopher, RN
 - 8-29-18 Grievance Filed
 - 10-11-18 Grievance Denied by Jenny Meehan, RN; Robert Schaaf, MD; and Chris McBee
 - 10-22-18 Grievance Appeal filed
 - 11-7-18 Appeal Denied by J. Cofield and T. Bredenman
- Exhibit 3.
C
- 8-9-18 Grievance filed for Hormone Therapy
 - 10-11-18 Grievance Denied by Jenny Meehan, RN; Robert Schaaf, MD; and Chris McBee
 - 10-26-18 Grievance Appeal filed
 - 11-20-18 Appeal Denied by J. Cofield and T. Bredenman
- Exhibit 4.
D
- 8-20-18 IRR Filed for Hormone Levels
 - 8-28-18 IRR Denied by Tammie Christopher, RN
 - 9-5-18 Grievance Filed
 - 10-11-18 Grievance Denied by Jenny Meehan, RN; Robert Schaaf, MD; and Chris McBee
 - 10-22-18 Grievance Appeal Filed
 - 11-7-18 Appeal Denied by J. Cofield and T. Bredenman

IX (A) Statement of Claim (Cont'd)

to gender-Affirming Canteen items. Mr Lucas additionally asserts that Defendants refuse to provide his hormone therapy, citing a policy or custom of providing hormone therapy only to those transgender inmates who were receiving it prior to incarceration (the "Freeze Frame" Policy).

Defendants are enforcing unconstitutional policies, customs or practices that deny inmates with Gender Dysphoria individual medically necessary treatment and care, which are contrary to widely accepted Standards of Care, and the recommendations of Mr. Lucas's treating mental health professionals.

The lack of treatment for Gender Dysphoria is causing Mr Lucas to experience serious psychological and physical symptoms including panic attacks, anxiety, depression, racing thoughts, tachycardia, shortness of breath, sleep disturbance, lack of appetite, excessive sweating, + intrusive thoughts of breast removal and male genitalia.

Mr. Lucas also is experience intentional infliction of EMOTIONAL DISTRESS and Mental Anguish

Mr Lucas was born male and was diagnosed with Gender Dysphoria and placed on feminizing hormones and in 2007 completed Male to Female Sex Reassignment Surgery. Since this surgery Mr Lucas has determined

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that living as a female is causing him disability and distress in his life and is once again gender dysphoric and desiring to return to his birth gender of male. Since Mr Lucas has been incarcerated he has lived in the gender role of a male, has grown facial hair, and is recognized as male by staff and offenders.

IX(B) Legal theory (cont'd)

As quoted from the WPATH Medical Necessity Statement (2016), "Merely providing counseling and/or psychotropic medication to a severely gender dysphoric patient is a gross departure from medically accepted practice. Inadequate treatment of this disorder puts an individual at serious risk of psychological and physical harm."

Mr Lucas has demonstrated that his Gender Dysphoria constitutes a serious medical need. See White v. Farrier 849 F.2d 322, 325 (8th Cir 1988). "We therefore conclude that transsexualism is a serious medical need." also see: Battista v. Clarke (45 F.3d 449 (1st Cir 2011)) and Fields v. Smith 712 F. Supp 2d 830, 862 (E.D. Wis 2010).

Defendants decision to provide "some treatment" is inadequate and, therefore unconstitutional. De'lonta v. Johnson 708 F.3d 500, 526 (4th Cir 2013). Also see: Langford v. Norriss 614 F.3d 445, 460 (8th Cir 2010)

A very similar case was heard in the US District Court of the Eastern District of

Missouri, where injunctive and declaratory relief was granted, See: Hicklin v. Precythe, Case# 4:16-cv-01357-NEC, Lexis ID 21516. Also see: Edmo v. Idaho Dept of Corrections, US District Court for the District of Idaho, Case# 1:17-cv-00151-BLW, Lexis ID 211391. pg 36

X Relief (cont'd)

gender affirming canteen items, surgical removal of breast implants, proper monitoring of hormone levels, and Sex reassignment surgery,

- (2) Referral to an endocrinologist to determine proper hormone (Testosterone) levels + dosages.
- (3) Referral to a Urologist to evaluate the needs and requirements for FTM SRS.
- (4) Compensatory damages against each named Defendant in an amount in excess of Twenty thousand US Dollars (\$20,000)
- (5) Punitive damages against each named defendant in an amount in excess of Fifty thousand U.S. dollars (\$50,000).
- (6) Legal Fees, Filing Fees, Copy Costs, and any and all relief as deemed just and proper by this Honorable Court.

- (3) Court where filed: _____
- (4) Case Number and citation: _____
- (5) Basic claim made: _____
- (6) Date of disposition: _____
- (7) Disposition: _____
(Pending) (on appeal) (resolved)
- (8) If resolved, state whether for: _____
(Plaintiff or Defendant)

For additional cases, provide the above information in the same format on a separate page.

IX. Statement of claim:

- A. State here as briefly as possible the facts of your claim. Describe how each named defendant is involved. Include the names of other persons involved, dates and places. Describe specifically the injuries incurred. Do not give legal arguments or cite cases or statutes. You may do that in Item "B" below. If you allege related claims, number and set forth each claim in a separate paragraph. Use as much space as you need to state the facts. Attach extra sheets, if necessary. Unrelated separate claims should be raised in a separate civil action.

Plaintiff Robin Lucas (hereinafter "Mr. Lucas") is filing this action for injunctive and declaratory relief against Corizon Health, Inc., (Corizon), the individual Corizon Defendants, and the MDOC Defendants (collectively "Defendants") for their deliberate indifference to Mr. Lucas' serious medical needs. Mr. Lucas specifically claims that despite knowing that he has Gender Dysphoria, a serious medical condition, Defendants have refused to provide Mr. Lucas with necessary medical care including hormone therapy, Surgical Removal of his breast implants, Sex Reassignment Surgery and Access

See pg 3A

- B. State briefly your legal theory or cite appropriate authority:

Mr Lucas meets the diagnostic criteria as set forth in the American Psychiatric Association's (APA) Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition (DSM-V) which defines Gender Dysphoria as "A marked incongruence between ones expressed/experienced gender and assigned gender". Further, Mr Lucas' condition is associated with clinically significant distress or impairment in social, occupational, or other important areas of functioning.

See pg 3B

X. Relief: State briefly exactly what you want the court to do for you. Make no legal arguments.
① Grant Preliminary Injunction to provide Mr Lucas with care that is deemed to be medically necessary treatment for his gender dysphoria, including hormone therapy.

XI. Counsel:

See pg 3c

A. If someone other than a lawyer is assisting you in preparing this case, state the person's name. KARLIN G. Morgan, Ph.D, BSN

B. Have you made any effort to contact a private lawyer to determine if he or she would represent you in this civil action? Yes ___ No ✓

If your answer is "Yes," state the names(s) and address(es) of each lawyer contacted.

C. Have you previously had a lawyer representing you in a civil action in this court? Yes ___ No ✓

If your answer is "Yes," state the name and address of the lawyer.

I declare under penalty of perjury that the foregoing is true and correct.

Executed (signed) this 5th day of April 2019

[Signature]
Signature(s) of Plaintiff(s)

Robin Lucas # 122-7908
 Doc-8A2008
 3151 Litter Rd
 Chillicothe, MO 64601



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US DISTRICT COURT
 OFFICE OF THE CLERK
 1510 Whitaker Court House
 400 E. Ninth St.
 Kansas City, MO 64106

